

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ERICK M. BROWN,

Petitioner,

v.

THE STATE OF NEVADA, *et al.*,

Respondents.

Case No. 2:25-cv-01217-GMN-DJA

**ORDER DENYING APPLICATION TO
PROCEED *IN FORMA PAUPERIS*
AND DISMISSING ACTION**

This action was initiated, *pro se*, on July 3, 2025, by Erick M. Brown, an individual incarcerated at Nevada's Southern Desert Correctional Center. On that date, Brown filed an Application to Proceed *in Forma Pauperis* and a "Writ of Course." ECF Nos. 1, 1-1. On July 9, Brown filed a "Motion to Disqualify or Recuse." ECF No. 3. And on July 10, Brown filed a document entitled "Lack of Subject Matter Jurisdiction in Support of Complaint," which includes a "Motion to Submit Documents." ECF No. 4.

Brown is serving an aggregate sentence of 45 to 120 years in prison on convictions in 2006 of burglary, kidnapping and robbery in Clark County, Nevada, which convictions involved an armed robbery of a jewelry store. Brown has initiated several previous legal actions in this Court, both civil rights actions and habeas actions: Case Nos. 2:13-cv-01574-JCM-CWH, 2:13-cv-01698-GMN-PAL, 2:13-cv-01942-APG-PAL, 2:14-cv-00194-JCM-CWH, and 2:16-cv-02131-APG-PAL. Case No. 2:14-cv-00194-JCM-CWH was a petition for writ of habeas corpus under 28 U.S.C. § 2254, which was dismissed on February 18, 2016, as time-barred under 28 U.S.C. § 2244(d). See ECF Nos. 46 and 47 in 2:14-cv-00194-JCM-CWH. In that case, the respondents filed the record of Brown's criminal case (ECF Nos. 23–32 in Case No. 2:14-cv-00194-JCM-CWH). The Court takes judicial notice of the filings in Case No. 2:14-cv-00194-JCM-CWH.

1 In his "Writ of Course," Brown seeks, in part, release from custody. The Court,
2 therefore, treats the "Writ of Course" as a petition for writ of habeas corpus under 28
3 U.S.C. § 2254.

4 The information in Brown's Application to Proceed in Forma Pauperis (ECF No. 1)
5 reveals that he is able to pay the \$5 filing fee for this action. The Court will therefore deny
6 that application.

7 The Court has examined Brown's "Writ of Course" under Rule 4 of the Rules
8 Governing Section 2254 Cases in the United States District Courts. Rule 4 provides in
9 pertinent part:

10 If it plainly appears from the petition and any attached exhibits that the
11 petitioner is not entitled to relief in the district court, the judge must dismiss
the petition and direct the clerk to notify the petitioner.

12 The Advisory Committee Notes to Habeas Rule 4 provide that "it is the duty of the court
13 to screen out frivolous applications and eliminate the burden that would be placed on the
14 respondent by ordering an unnecessary answer," particularly where the petition does not
15 state facts "that point to a real possibility of constitutional error." Habeas Rule 4, Advisory
16 Committee Notes (1976 Adoption); *see also Gutierrez v. Griggs*, 695 F.2d 1195, 1198
17 (9th Cir. 1983) (Rule 4 "explicitly allows a district court to dismiss summarily the petition
18 on the merits when no claim for relief is stated."). Summary dismissal under Rule 4 is
19 appropriate where the allegations in the petition are vague or conclusory or palpably
20 incredible, or patently frivolous or false. *Hendricks v. Vasquez*, 908 F.2d 490, 491 (9th
21 Cir.1990). As the Court understands Brown's "Writ of Course," he claims that the State of
22 Nevada's boundaries were not properly established, that Las Vegas and/or Clark County
23 are not legitimately within the State, that certain actions taken by the State are therefore
24 without legal effect, and that, as a result, his conviction is invalid, and he should be
25 released from custody. See ECF No. 1-1. Brown cites no legal authority in support of his
26 claims. The Court finds Brown's claims to be palpably incredible, patently frivolous, and
27 false. This action will be summarily dismissed.

1 **IT IS THEREFORE ORDERED** that Petitioner's Application to Proceed *in Forma*
2 *Pauperis* (ECF No. 1) is **DENIED**.

3 **IT IS FURTHER ORDERED** that this action is **DISMISSED**.

4 **IT IS FURTHER ORDERED** that, because jurists of reason would not find it
5 debatable whether the Court is correct in this ruling, Petitioner is **DENIED** a certificate of
6 appealability.

7 **IT IS FURTHER ORDERED** that Petitioner's "Motion to Disqualify or Recuse" (ECF
8 No. 3) and "Motion to Submit Documents" (ECF No. 4) are **DENIED**.

9 **IT IS FURTHER ORDERED** that the Clerk of Court is kindly directed:

- 10 - to enter judgment accordingly and close this case; and
11 - to transmit a copy of this Order to the Attorney General of the State of
12 Nevada.

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14 DATED THIS 15 day of July, 2025.

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18 GLORIA M. NAVARRO
19 UNITED STATES DISTRICT JUDGE
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